

REMARKS/ARGUMENTS

The amendments to Claim 1 are supported by Claims 2 and 4 as originally filed, and by specification page 5, lines 12-14. The amendments to Claims 2, 3, 4, 5 and 7 are supported by these claims as originally filed. Claims 8 and 9 have been corrected, as requested. New Claims 11 and 12 are supported at specification page 5, lines 12-15. No new matter has been entered.

By the above amendment Applicant has narrowed the scope of the present claims to a preferred embodiment herein: a process for the disinfection and/or preservation of animal feed using a peroxygen compound and an organic acid or salt thereof having at least two carbon atoms. As shown in the present specification, this new combination leads to several benefits including an animal preference for feed treated with this combination and improved milk yield from cattle eating feed treated by the present invention process. See specification page 2, lines 27-31. As described there, the present invention also reduces the amount of fermentation occurring in the plant material and therefore provides a higher nutritional value, for example a higher sugar content, to the animal.

The rejections are traversed, and their reconsideration and withdrawal is requested.

The anticipation rejection over Wright is no longer applicable, as the subject matter of Claim 2 has been incorporated into independent Claim 1. As Wright was not applied against original Claim 2 this rejection should be withdrawn.

The anticipation rejection over Doyle is traversed. Doyle relates to a method and compositions for treating uncooked human food items, such as produce, to reduce viable bacteria on the surfaces thereof. As recognized by the Office, Doyle is wholly concerned with food intended for human consumption, and is directed to pathogenic bacteria on the surfaces of fresh fruits and vegetables. See page 3, lines 9-12 of the reference. While the Examiner has taken the position that fresh fruits and vegetables can be fed to animals, it is

clearly not the case that Doyle discloses or suggests a method for treating animal feed selected from the group consisting of harvested grass, cereals, maize, wheat, legumes, and mixtures thereof. In this regard, the term “animal feed” has its own particular meaning in the art and is further defined by the requirement herein of the presence of at least one of harvested grass, cereals, maize, wheat, and legumes.

In addition to the fact that Doyle does not anticipate the present claims, Doyle does not render obvious the present invention as the fresh fruits and vegetables described in Doyle are completely unrelated to the disinfection and/or preservation of animal feed, which typically includes storage thereof for long periods and the provision of the treated feed to the animal without removal of the treatment chemicals. See, for example, specification page 1, lines 4-30. Moreover, Applicants’ finding that their presently claimed treatment method would provide an animal preference for feed treated according to the invention process, and the improved milk yield obtained, is nowhere suggested by Doyle. The rejection should be withdrawn.

The anticipation rejection over Bo is traversed.

As recognized by the Examiner, the treatment composition in Bo relies upon formic acid. Formic acid is a one-carbon acid, having the formula HCOOH. As noted by the above amendment, Applicants presently claimed process requires the presence of an organic acid (and/or an organic acid salt) having at least two carbon atoms. Thus, the anticipation rejection should be withdrawn.

Importantly, Bo does not render the present invention obvious, either. Applicants have shown, in the present specification, that the presently claimed organic acid/organic acid salts having at least two carbon atoms provide superior results as compared to formic acid, which results are unexpected in view of the disclosure in Bo. Specifically, in Example 4 herein described at specification page 9 several embodiments of the present invention as

prepared in Examples 1 and 2 were evaluated for their aerobic stability and compared with formic acid. As shown in Table 4 at the top of specification page 10:

TABLE 4

Forage Treatment	Temperature (° C.) Day 0	Temperature (° C.) Day 6	Temperature increase (° C.)
Untreated Control	18.6	19.5	+0.9
Hydrogen Peroxide/ Sodium Benzoate formulation as Example 1	18.0	18.0	0.0
Peracetic Acid formulation as Example 2	18.2	18.7	+0.5
Formic Acid	17.8	20.5	+2.7

formic acid showed a substantial and significant increase in temperature due to aerobic micro-organism activity, indicative of aerobic instability, as compared with embodiments of the present invention as prepared in Examples 1 and 2, and even as compared with untreated control. This improved aerobic stability for the present invention method, and the destabilizing effect of formic acid even as compared with untreated control is nowhere disclosed or suggested by Bo, who specifically suggests the use of a spent liquor containing formic acid in the preservation of animal feed. Accordingly, the rejection over Bo should be withdrawn.

The anticipation rejection over Glabau is traversed. Glabau relates to the preparation of a baking agent for use in yeast-leavened products intended for human consumption. Even if it were the case that this baking product could be fed to an animal, the reference in no way discloses or suggests the treatment of an animal feed as claimed herein selected from the group consisting of harvested grass, cereals, maize, wheat, legumes, and mixtures thereof. One of ordinary skill in this art would not consider an intermediate in a method of making yeast-leavened products like bread and rolls (column 1, lines 64-66 of Glabau) as animal

feed, nor is there anything in Glabau that would lead one of ordinary skill in the art to such a different and distinct application as claimed herein.

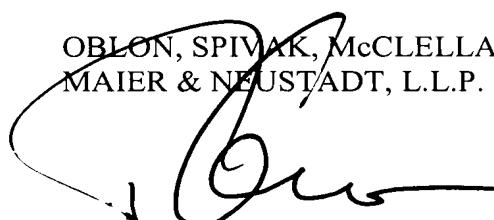
Finally, the obviousness rejections presented at pages 7, 9 and 11 of the outstanding Official Action are traversed, as they are applied against sub-claims the scope of which has been substantially modified by the above amendments to independent Claim 1. In addition, the primary references used in these obviousness rejections, Doyle, Bo, and Wright, have all been discussed above and fail to teach, suggest or disclose a process for the disinfection and/or preservation of animal feed selected from the group consisting of harvested grass, cereals, maize, wheat, legumes and mixtures thereof using at least one peroxygen compound and a preservative that comprises an organic acid and/or an organic acid salt having at least two carbon atoms.

For these reasons, the outstanding rejections should be withdrawn as the present claims are directed to patentable subject matter. Applicants thus respectfully request the reconsideration and withdrawal of all outstanding rejections herein, and the passage of this case to Issue.

As a last, formal, issue Applicants request that the IDS filed August 2, 2006, be considered and that the Examiner return an initialed 1449 with the Notice of Allowance herein. A copy of the 1449 is attached hereto for the Examiner's convenience.

Respectfully submitted,

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